

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
NO: 3:05CR281**

UNITED STATES OF AMERICA,
Plaintiff

vs.

ELTON RODRIGUEZ,
Defendant.

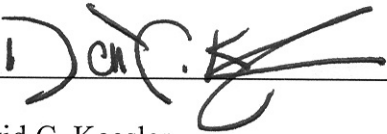
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ORDER

THIS MATTER IS BEFORE THE COURT on the “Motion to Bar the Imposition of the Death Penalty” (Document No. 37), filed November 10, 2005 by Elton Rodriguez. On December 1, 2005, Keith Cave, an Assistant United States Attorney, informed the undersigned’s staff that the United States of America does not intend to seek the death penalty in this matter. Accordingly, this Court will deny the Motion as moot.

IT IS, THEREFORE, ORDERED that the “Motion to Bar the Imposition of the Death Penalty” (Document No. 37) is **DENIED AS MOOT.**

Signed: December 1, 2005



David C. Keesler
United States Magistrate Judge

